CASE SUMMARY

Complaint against a hospital under the Hospital Authority for its refusal to loan an X-ray film for use by a private hospital as reference

The Complaint

The complainant complained against a hospital under the Hospital Authority (HA), alleging that its medical staff had refused his request for the loan of his son's X-ray film for use by a private hospital as reference.

Opinions and Conclusion

2. In October 1998, the complainant took his son who was suffering from a high fever to the Accident and Emergency Department of a HA hospital for treatment. After an X-ray examination of his son's chest, the doctor preliminarily diagnosed that he had contracted pneumonia and had to be admitted to hospital immediately. The complainant wanted to send his son to a private hospital for treatment, so he asked the HA hospital to let him have his son's X-ray film right away so that he could give it to the private hospital for reference. His request was refused by the medical staff who explained that under HA's policy, X-ray films held by HA hospitals could only be made available for use by other HA hospitals and could not be lent to private hospitals or doctors. Nevertheless, patients could request duplicate copies of X-ray films. As the time required for processing such requests varied from case to case, they could not tell the complainant when his request for a duplicate would be granted. The complainant was worried that his son’s condition might worsen as a result of delay in treatment, so he took his son to a private hospital immediately and felt that he had no alternative but to let his son undergo another chest X-ray examination.

3. The complainant considered that there was maladministration on the part of the HA in that it had disregarded the health of patients. So, he lodged a complaint with The Ombudsman.

4. This Office noted that the HA Head Office had issued Operations Circular No. 15/96 on 18 October 1996 instructing the staff on how to handle requests from patients and private doctors for the loan of X-ray films or similar special records held by HA hospitals. According to the circular, private doctors may, with the patients' consent, request the loan of X-ray films or similar special records from HA hospitals. Patients themselves can also make requests for duplicate copies of these records in accordance with the Personal Data (Privacy) Ordinance.

5. The HA Head Office will also conduct an annual review of all the operations circulars (including Operations Circular No. 15/96) that were issued to HA hospitals and remind all units of the hospitals to re-circulate the circulars which are still in force amongst its medical staff.

6. According to the HA, the complainant took his son to a HA hospital for treatment in October 1998. After chest X-ray examination, the doctor diagnosed that the complainant’s son had contracted pneumonia and advised that he should be admitted to hospital immediately. The complainant wanted to send his son to a private hospital for treatment. Despite the doctor’s explanation of the risks involved, the complainant completed the necessary formalities for his son’s discharge from hospital and he also requested the hospital to lend his son's X-ray film to him so that he could give it to the private doctor for reference. As X-ray films were part of patients' records, the medical staff suggested that he should request a duplicate copy of the X-ray film from the hospital.

7. The HA admitted that the doctor concerned in this case was not familiar with the guidelines set out in Operations Circular No. 15/96. He thought that he was not in a position to decide on the loan of X-ray films and that patients could only request duplicate copies of X-ray films. That was why he had not told the complainant that the latter could make such a request through a private doctor.

8. This Office noted that although the medical staff were acting in accordance with the existing procedures governing the request for duplicate copies of medical records by suggesting that the complainant should request a duplicate copy of the X-ray film from the hospital, the fact remained that it was also clearly stated in Operations Circular No. 15/96 that patients could request the loan of X-ray films through private doctors. There was maladministration on the part of the medical staff concerned in that they had failed to advise the complainant of this alternative arrangement. As a result, he was unable to get the X-ray film of his son and he had to let his son undergo another X-ray examination.

9. All points considered, The Ombudsman concluded that the complaint was **substantiated**.

10. The Ombudsman was pleased to note that the HA had taken remedial actions after the incident. Apart from sending a letter of apology to the complainant, the HA had also admonished the doctor concerned and reminded the other medical staff of the need to familiarize themselves with the above guidelines so as to avoid the recurrence of similar incidents.

Response from the Hospital Authority

11. The HA had no comments to make on the Investigation Report.

Office of The Ombudsman

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